

STATE OF COLORADO
BOARD OF EDUCATION
201 E. Colfax Avenue #506
Denver, CO 80203

In Re: Accountability Recommendations
Concerning Adams 14 School District
and
Adams City High School

CASE NUMBER:
17-AR-10

ORDER

This matter came back before the Colorado State Board of Education pursuant to the Board's June 16, 2017 Final Written Determination and in accordance with the Education Accountability Act of 2009 (as amended), §§ 22-11-101 et. seq., C.R.S. (2018). Based on the record of materials submitted to the Board, the information adduced at hearing, the comments of stakeholders, and being duly advised in premises, the State Board ORDERS as follows:

Procedural History

1. This matter first came before the State Board for proceedings on Thursday, May 11, 2017, pursuant to §§ 22-11-209(3) and 22-11-210(5)(b), C.R.S. (2016), and the Colorado State Board of Education's Procedures for State Board Accountability Actions.

2. At the time, Adams County School District 14 ("District") came before the board with a significant history of failing to provide a quality education to its students, including district performance ratings as follows:

- a. 2010 – Turnaround;
- b. 2011 – Turnaround;
- c. 2012 – Turnaround;
- d. 2013 – Priority Improvement;
- e. 2014 – Priority Improvement; and
- f. 2016 – Turnaround.

Adams City High School had received school performance ratings as follows:

- a. 2010 – Turnaround;
- b. 2011 – Priority Improvement;
- c. 2012 – Priority Improvement;
- d. 2013 – Priority Improvement;
- e. 2014 – Priority Improvement; and
- f. 2016 – Priority Improvement.

3. At that time, the State Board reviewed and fully considered the accountability recommendations of the Commissioner, the State Review Panel (“SRP”), and the report submitted by the District, and heard and considered the presentation of the District. The State Board also considered the District’s Pathways Proposal for External Management Partnership, and later revisions submitted on June 6, 2017 (“Revised Pathways Proposal”).

4. Among other things, the District proposed that Beyond Textbooks would serve as a management partner in a number of targeted areas. The proposal pledged that “the superintendent and leadership team will implement all recommendations made by the BT team as they apply to the targeted operations outlined above.” *Revised Pathways Proposal* at 38.

5. On June 16, 2017, the State Board issued its Determination, finding that the Revised Pathways Proposal, if implemented with fidelity, would “have a significant positive impact on student learning and is in the best interests of students and families.” *Determination*, ¶ 10.

6. The State Board removed the District’s accreditation pursuant to § 22-11-207(4)(a), C.R.S. (2016), but stayed such removal on certain conditions, including:

- a. implementation of the Revised Pathways Proposal, including “implementation of all recommendations of Beyond Textbooks”; and
- b. development of a progress monitoring plan.

7. The Determination provided that “[i]n the event Adams 14 School District fails to implement its Management Plan or if, according to the 2018 performance frameworks, the District remains rated as Accredited with Priority Improvement or Turnaround, the State Board may take further actions as permitted by law.”

8. Likewise, the Determination directed that if Adams City High School receives ratings of Priority Improvement or Turnaround on the 2018 School Performance Frameworks, the Commissioner may assign the SRP to evaluate the school’s performance and make recommendations.

9. The Determination was not appealed.

Factual Findings

10. The District serves approximately 7,500 students just north of Denver. Compared to the state as a whole, the District has a higher percentage of economically disadvantaged students and English language learners. In 2016, nearly 90% of the District’s students identified as a racial or ethnic minority (compared to 45% statewide) and 85% qualified for free or reduced-price lunch (compared to 42% statewide). The majority of the District’s students—53%—are English learners, compared to 17% of students statewide. As of 2016, the District

has a dropout rate of 8.2%, more than triple the statewide rate of 2.3%. The District's graduation rates are consistently ten points lower than the state as a whole.

11. The District has failed to produce adequate educational results for this vulnerable population. It has been among the lowest-performing school districts in Colorado for as long as reliable data has been collected. In the 2017 school performance frameworks, six of the District's seven elementary schools were received Priority Improvement or Turnaround plan types, as did the District's only general high school. Although the preliminary 2018 performance frameworks show progress, the District and Adams City High School are now in Year 8 on the Accountability Clock, and three elementary schools remain accredited as Priority Improvement or Turnaround status, along with the district's alternative education campus high school.

12. Nearly 30% of the school-age students who reside within the District use a choice mechanism to enroll in public schools of another district or of the Colorado Charter School Institute. Further, the District has staff turnover rates substantially above the state average; for principals, turnover is often more than double the state average.

13. The District has received several grants and additional supports to address its needs. In recent years:

a. The District received a federally funded 21st Century Community Learning Centers grant of \$1,620,000, which supports the creation of community learning centers that provide academic enrichment opportunities during non-school hours for students who attend high-poverty and low-performing schools, and their families;

b. The District participated in the federally funded Colorado Graduation Pathways program (receiving \$291,738), which concentrates on the development of sustainable, replicable models for dropout prevention and student re-engagement; improvement of interim indicators known to affect dropout and graduation rates; and increase of graduation rates in Colorado's highest need schools;

c. The District received a \$100,000 Connect for Success grant, which provides opportunities for school leaders to network with and learn from high achieving schools;

d. The District participated in the State's Cultural Responsiveness Training, which focuses on acquiring common language and common understanding on a district-wide culturally responsive approach to meeting the needs of all students;

e. The District received a \$100,000 Data Used for Improved Results grant, which funds activities that support increased use of data to adjust and improve instruction;

f. The District was awarded federally funded Diagnostic Review grants (for \$378,987 in three different years), funding external diagnostic assessments, analyses and facilitations of results for targeted schools;

g. The District participated in READING Foundations Academy, a State program providing training focused on explicit and systematic Tier 1 instruction in reading with an emphasis on foundational reading skills based in the State content standards;

h. The District received a \$192,214 Improvement Support Partnership grant, funding a focused approach to improvement in facilitated data analysis and action planning;

i. The District received a \$97,859 federally supported Pathways Early Action Grant, which funds efforts to explore, identify, and plan pathway options for exiting the Accountability Clock;

j. The District received \$303,512 in School Improvement Support Grants, which fund strategies identified by the District's own Unified Improvement Plan (developed in consultation with the State);

k. The District received a \$5,000 State Personnel Development Grant, which supports planning and implementation of a Multi-Tiered System of Supports (an industry-standard approach to identifying and serving students with extra needs);

l. The District received \$2,396,140 in federally funded Tiered Intervention Grants, which pay for implementation of federally prescribed intervention models for academic achievement at chronically low performing schools;

m. The District received federally funded Mathematics and Science Partnership grant of \$635,497, which funds partnerships with faculty from the science, technology, engineering, and/or mathematics (STEM) departments in institutions of higher education; and

n. The District received the School Turnaround Leaders Development grant of \$205,055, working with University of Virginia's School Turnaround Specialist Program to support systemic transformation through a better understanding and planning for change leadership, data-driven instruction, strategic staffing, school culture, and building the political will to make needed changes.

o. The foregoing grants, programs, and supports totaled at least an additional \$6,326,002 in additional State and federal funds over five fiscal years. The District received another \$115,000 in such funds in 2017-18. These targeted grants—designed to support improvement efforts for schools and districts with sustained performance failures—are in addition to the ordinary State share of funding and at-risk pupil adjustments paid through the Public School Finance Act, as well as the formulaic federal Title I funds.

14. Since the June 16, 2017, Determination, the District's accreditation history has been as follows:

- a. 2017 – Priority Improvement; and
- b. 2018 (Preliminary) – Priority Improvement.

Adams City High School has received school performance ratings as follows:

- a. 2017 – Turnaround – Decreased due to participation; and
- b. 2018 (Preliminary) – Priority Improvement.

Both the District and Adams City High School decreased in points earned on performance frameworks between 2017 and 2018. Despite additional funding, technical assistance, and other supports over the past eight years, and despite the District's relationship with Beyond Textbooks, the District remains in the 1st percentile on the district performance frameworks. Likewise, Adams City High School is at the 10th percentile on school performance frameworks among Colorado public high schools (excluding alternative education campuses).

15. Based on the Determination and on the district and school performance frameworks, the Commissioner assigned the SRP to conduct an updated evaluation and make updated recommendations. On October 10, 2018, the SRP issued its report.

16. For the District, the SRP recommended “management by a private or public entity other than the district,” with “a continued partnership with Beyond Textbooks.” In coming to this recommendation, the SRP considered the six factors required by § 22-11-209(2)(b), C.R.S.

a. The SRP rated the District as “not effective”—the lowest rating—on whether “leadership is adequate to implement change to improve results.”

b. The SRP rated the District as “developing”—the second-lowest rating—on whether “infrastructure is adequate to support school/district improvement.”

c. The SRP also rated the District as “developing” on “readiness and apparent capacity of personnel to plan effectively and lead the implementation of appropriate action to improve student academic performance.”

d. The SRP also rated the District as “developing” on “readiness and apparent capacity to engage productively with, and benefit from, the assistance provided by an external partner.”

e. The SRP also rated the District as “developing” on “likelihood of positive returns on State investments of assistance and support to improve the performance within the current management structure and staffing.”

f. The SRP rated the District as “Yes”—a binary rating—on “[t]he necessity that the district remain in operation to serve students.”

17. The SRP questioned the capacity of the District’s current leadership to create needed change without state intervention. Among other things, the SRP found a “lack of evidence indicating that district leadership has the capacity to act as a change agent” and “a clear lack of leadership and infrastructure at the district level to support improvement efforts.” The SRP concluded that the arrangement the Board approved in 2017 was unlikely to be sufficient, that Beyond Textbooks “does not have a strong plan of accountability to ensure the district is implementing the plan effectively,” and “all stakeholders reported that [Beyond Textbooks] was not enough to help the district” improve.

18. Based on the foregoing findings, the SRP recommended external management, noting that it “feels strongly that this entity must provide true management – not a partnership – and that it must provide clear direction and oversight of the district.”

19. For Adams City High School, the SRP recommended “management by another private or public entity other than the district, in addition to the external management partnership currently in place.” In coming to this recommendation, the SRP considered the six statutory factors required by § 22-11-210(4)(a)-(f). For the first five factors—whether leadership is adequate to implement needed change; whether infrastructure is adequate to support improvement; readiness and capacity of personnel to plan and implement appropriate action; readiness and capacity to engage with external partners; and likelihood of positive returns on State investment—the SRP gave the school the second-lowest rating available, “developing.” For the final factor, the SRP concluded that the school needs to remain open.

20. CDE’s progress-monitoring findings were consistent with the SRP. At the District level, CDE concluded that “the current external management plan is not enough on its own to set the district on a path to rapid turnaround and improved student outcomes.” At Adams City High School, CDE concluded that, “the current turnaround plan on its own may not be strong enough to rapidly improve student outcomes.”

21. The District's self-evaluation (entitled "Moving Forward") concurred in many of the SRP's and CDE's findings and recommendations. The District concluded that it "must continue to work towards dramatic improvement in the internal and external culture," and that it "needs deeper and more comprehensive improvements in its instructional practices." It acknowledged that external management partners were "necessary" to overcome these issues.

22. The District proposed that—as compared to the 2017 Determination—it "grant even more authority to new external management partners." It recommended a "new District-level external management partner empowered to give directives to the Superintendent," as well as "to make recommendations to the Board of Education on all matters within its governance of the district." The District proposed similar authority for a new external management partner for Adams City High School.

23. At the hearing, the District repeatedly recognized that it is "behind" in "creating systems" and "needs help." It explained that it envisions an external management partner that directs the Superintendent's performance of his duties. The District represented that it would agree to a contract under which the District's board of education a) was obligated to consider, and presumptively accept, recommendations by the external management partner; and b) delegated to an external management partner full authority over matters other than the hiring and firing of personnel.

24. As part of its revised process for accountability actions, the State Board accepted and considered public comment. The Board received written comment which included approximately 155 emails, 27 letters, and about 376 postcards from parents, teachers (both within the District and from across the state), other District employees, locally elected officials, former employees, former students, non-profit organizations focused on improving education outcomes in Colorado, and two organizations interested in supporting the District. Although the comments were diverse, several consistent themes emerged:

a. Many respondents expressed the need for drastic change to see improvements for students. Many supported full, external management as a beneficial pathway. Some requested that the

management partner be a public entity, with some suggestions around using the community school model.

b. Another theme was the need to engage stakeholders (parents, teachers, community members), and there were some specific comments that stakeholders besides District staff and board be involved in the selection process for the management operator.

c. Parents communicated a concern for the quality of education that their children are receiving, and teachers urged the State Board to refrain from converting any schools to charters. Finally, a segment of the comments focused on language instruction and the value of biliteracy.

Legal Conclusions

25. Under the previous Determination as well as under the Accountability Act, the State Board may take further actions based on the District's and Adams City High School's continued status as Accredited with Priority Improvement or Turnaround.

26. Section 22-11-209, C.R.S. authorizes the State Board to take any one of a number of actions, including:

a. That the District be reorganized pursuant to article 30 of title 22, C.R.S.;

b. That a public or private entity, with the agreement of the school District, serve as a lead partner in the management of the District or partially or wholly manage one or more its schools;

c. That one or more of the District's schools be converted to a charter school;

d. That one or more of the District's schools be granted status as an innovation school or that a group of schools be recognized as an innovation zone; or

e. That one or more of the District schools be closed.

27. Specific to Adams City High School, § 22-11-210, C.R.S. authorizes the State Board to take any one of a number of actions, including:

- a. That the school be managed by a private or public entity other than the District;
- b. That the school be converted to a charter school;
- c. That the school be granted status as an innovation school pursuant to § 22-32.5-104; or
- d. That the school be closed.

28. Pursuant to §§ 22-11-209(3.5) and 22-11-210(5.5), C.R.S., the State Board has considered the statutory criteria in §§ 22-11-209(2)(b) and 22-11-210(4), the recommendations of the SRP, the District's submissions, the actions that the District was previously directed to take, the fidelity with which the District has implemented the directed actions, and whether the amount of time that the District has had to implement the actions is reasonably sufficient to achieve results.

ORDER

WHEREFORE, the State Board hereby orders extending the stay of the removal of the District's accreditation conditioned on the following:

A. Within 90 days of this Order, the District's board of education shall use an appropriate selection process to identify a public or private entity who will serve as Lead Partner with the local board, in the management of the District and shall submit appropriate information regarding its proposed partner to the State Board for review and approval. At each step its selection process, the local board shall confer with CDE to ensure that:

- 1. the scope of work for which proposals are solicited aligns to this order;
- 2. the public or private entity selected uses research-based strategies and has a proven track record of success working with school districts and schools in systemic improvement and turnaround work;

3. said process includes steps reflecting the engagement of community stakeholders;
4. the selected private or public entity is qualified and willing to fulfill the duties and powers identified in the scope of work and in this Order; and
5. the selected private or public entity is qualified and willing to fulfill the duties imposed by the U.S. Department of Education's Office of Civil Rights pursuant to resolution agreements in effect with the District, as well as any other state or federal compliance issues.

The State Board shall vote to approve the selected management partner based on these factors. In the event the State Board does not approve the local board's selected management partner, it shall specify the factor(s) above that was (or were) not satisfied. The local board then shall have 14 days to propose another management partner that was identified in its selection process, which the State Board shall vote to approve based on the above factors within the following 14 days. In the event that the State Board does not approve the local board's second selected management partner, the State Board and the local board will work cooperatively to ensure prompt selection of a satisfactory management partner consistent with this Order or the State Board will take other actions as permitted by law.

B. Within 30 days of State Board approval of the selected management entity, the local board shall execute a contract authorizing the selected and approved entity to administer the affairs and programs of the District commencing no later than July 1, 2019, and continuing for a term of not less than four years (48 months). In the contract, the local board shall specifically delegate to the management entity all formal decision-making authority, subject only to the limitations mandated by the Colorado Constitution and statute. The management entity shall serve as Lead Partner with the local board, responsible for operating the District. The Lead Partner's duties and powers shall include but not be limited to the following:

1. implementing an instructional program, including developing/recommending curriculum, assessment systems, scheduling, and professional development;
2. recruiting and retaining personnel, including responsibilities formerly entrusted to the superintendent, such as: teacher and administrator placement, transfer, and evaluation; recommending to the local board the non-renewal or renewal of employment contracts, action on at-will employees, and action on the superintendent's contract; and employee group negotiations;
3. recruiting and recommending to the local board management operators needed for individual schools, as well as any services providers needed to support particular programs;
4. recommending to the local board needed changes to the District's collective bargaining agreement ahead of each annual process for amending said agreement;
5. evaluating district policies and recommending amendments, revisions, or deletions to the local board;
6. ensuring operational excellence, coordinating community engagement efforts, supporting local governance training, and, ultimately, driving substantive school and District improvement;
7. determining whether to continue provisions of the Revised Pathways Proposal from 2017, including but not limited to the District's partnership with Beyond Textbooks; and
8. such other and further authority as the Lead Partner reasonably needs to create systemic improvement in teaching and learning.

C. Within the 30 day period following State Board approval of the selected management entity (or entities), the local board shall provide a copy of the contract to the Commissioner or her designee, who shall advise the State Board in the event that the contract fails to satisfy the terms of this Order.

D. The State Board understands that the contract may require a provision allowing the local board to terminate the relationship for good cause shown. In the event the local board believes it should terminate its contract with the manager, it must advise the State Board and seek appropriate amendments to this Order, consistent with the State Board's authority under the Accountability Act.

E. For those actions requiring formal action by the local board, the local board shall give due consideration to the recommendations of the Lead Partner and shall not unreasonably withhold its approval. If the local board rejects the Lead Partner's recommendation, it shall issue a reasoned, written explanation for its action in the form of a board resolution and shall provide CDE with a copy of said resolution within 14 calendar days of board action. Unreasonable rejection of the Lead Partner's recommendations, or a pattern or practice of rejecting the Lead Partner's reasonable recommendations, may constitute evidence of noncompliance with this Order.

F. The Board takes no formal action regarding Adams City High School at this time, pending input from the Lead Partner. No later than September 1, 2019, the Lead Partner shall submit a report to the local board and the State Board regarding possible further actions for Adams City High School, including management by an additional external entity, conversion to a charter school, or recommendation for innovation status.

G. In the event that the local board fails to faithfully and timely comply with this Order, the State Board will promptly reconvene to consider whether the stay of the removal of the District's accreditation should be lifted—thereby triggering reorganization of the District—and may take further actions as permitted by law, including conversion of Adams City High School and other District schools to charter schools.

H. The District and Adams City High School will remain subject to ongoing performance monitoring under §§ 22-11-209(3.5) and 22-11-210(5.5). CDE staff shall continue monitoring implementation of this Order, including by making regular and, when necessary in CDE's sole discretion, unannounced site visits. For so long as this Order remains in effect, the local board shall allow the Commissioner's designee to report on implementation and progress monitoring on a quarterly basis, at the local board's regular meetings.

I. In the event the District improves its performance to an accreditation category of Improvement or higher for two or more consecutive years, or based on the recommendation of the State Review Panel as part of statutory monitoring, or for other good cause shown, the District may apply to the State Board for a modification of this Order, including transitioning certain operational authority back to the local board from its contractual Lead Partner or accommodating modification of the management partner contract.

Dated this 27th day of November, 2018.



Dr. Angelika Schroeder, Chair
Colorado State Board of Education

CERTIFICATION OF MAILING

I hereby certify that I have provided a true and correct copy of the foregoing **ORDER** this 27th day of November, 2018, via e-mail addressed to the following parties:

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